

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAYSON ALAN PAYNE,

Petitioner,

Case No. 1:07-cv-1124

v.

Honorable Wendell A. Miles

MARY BERGHUIS et al.,

Respondent.

JUDGMENT

In accordance with the Opinion entered this day:

IT IS ORDERED that Petitioner's application for habeas corpus relief be **DISMISSED** with prejudice as frivolous pursuant to Rule 4 of the Rules Governing § 2254.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED** because a reasonable jurist could not conclude either that the district court erred in dismissing the petition or that the petitioner should be allowed to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Dated: November 29, 2007

/s/ Wendell A. Miles
Wendell A. Miles
Senior United States District Judge